

*(Also see Zoning Ordinance
Amendment ZO-04-365 and
Public Facilities Manual
Amendment 86-04-PFM
adopted on June 7, 2004)*

***ADOPTION OF AN AMENDMENT TO CHAPTER 101
(SUBDIVISION ORDINANCE)
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA***

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, June 7, 2004, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Chapter 101 (Subdivision Ordinance) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA:

Amend Chapter 101 (Subdivision Ordinance), as follows:

Amend the Subdivision Ordinance, Section 101-2-1 (Procedure.), by revising Paragraphs (1)(B)(iii) and (3) to read as follows:

(1)(B) Notice required.

(iii) All written notice required by this paragraph shall include the tax map reference number, the street address of the parcel, the preliminary subdivision plat or final subdivision plat name and County identification number and shall state that: (1) Changes and corrections to the preliminary subdivision plat or final subdivision plat may occur prior to approval; (2) persons wishing to be notified of the approval of the preliminary subdivision plat or final subdivision plat should submit a written request to that effect to the County Office identified in the notice; (3) the address and telephone number of the County Office where a copy of the preliminary subdivision plat or final subdivision plat may be reviewed; (4) the preliminary subdivision plat or final subdivision plat is subject to approval after the expiration of thirty (30) days after the postmark date of the notice unless releases are executed by all property owners required to be notified; and (5) if releases are executed by all property owners required to be notified, the preliminary subdivision plat or final subdivision plat may be approved sooner than thirty (30) days after the postmark date of the notice. In addition to the above information, written notice for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, shall include a project description containing the preliminary subdivision plat name, number of units, number of acres, density, amount of open space provided and a project location description, to include the name of the nearest road, the side of the road on which the project is located and the estimated distance from the nearest existing road intersection and the name, address and telephone number of a representative of the applicant.

(3) The subdivider shall, after receiving approval of a proffered generalized development plan, proffered or approved final development plan, or approved special exception plat for a cluster subdivision or waiver of the minimum lot size requirements, which plan or plat is certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State, or a preliminary subdivision plat, submit a final subdivision plat which conforms with the requirements of this Article and with the regulations adopted under this Article. In the case of a minor adjustment of property lines or a simple subdivision, where no public improvements are required under Section 101-2-2 or the Public Facilities Manual, a final plat may be submitted and no preliminary plat shall be required. In the case of a minor adjustment of property lines for lots located within a cluster subdivision approved by the Director pursuant to Section 101-2-8, the provisions of Section 101-2-8(g) shall be met in addition to all other applicable requirements. In the case of a minor adjustment of property lines, no public improvements as described in Section 101-2-2 and the Public Facilities Manual are required except as noted herein. The Director may require as a condition of approval of a final subdivision plat for a simple subdivision or a minor adjustment of property lines, the dedication of public easements, rights-of-way, and utility easements as may be deemed necessary in order to comply with the minimum requirements set forth in Section 101-2-2. Notice requirements for submission of a final subdivision plat shall apply.

Amend the Subdivision Ordinance, Section 101-2-3 (Preliminary subdivision plat.), by adding a new Paragraph (c)(17) to read as follows:

(17) For cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, the existing use and zoning classifications for all parcels located outside of and contiguous to the cluster subdivision boundary.

Amend the Subdivision Ordinance, Section 101-2-5 (Final Subdivision Plats.), by revising Paragraph (d)(1)(C) to read as follows:

(C) The subdivider has paid to the County the fees set forth in Section 101-2-9 (Fees).

Amend the Subdivision Ordinance by adding a new Section 101-2-8 (Cluster subdivision provisions.) to read as follows and by renumbering existing Section 101-2-8 to Section 101-2-9.

Section 101-2-8. Cluster subdivision provisions.

When the topography or other physical characteristics of the property are such that a cluster subdivision will preserve open space, steep slopes, floodplains, Resource Protection Areas and/or desirable vegetation, a cluster subdivision may be permitted in the R-2 District and may be permitted in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, by the Director provided that:

(a) All other applicable cluster subdivision regulations shall be met, including but not limited to the Zoning Ordinance and Public Facilities Manual.

(b) Open space shall be provided pursuant to the regulations of the zoning district in which located and Sect. 2-309 of the Zoning Ordinance. To the greatest extent possible and as determined by the Urban Forestry Division, existing trees shall be preserved within the open space area.

(c) Existing vegetation shall be shown on an existing vegetation map as defined in the Public Facilities Manual. If sufficient quality vegetation exists on site as determined by the Urban Forestry Division, the full tree cover requirements of Part 4 of Article 13 of the Zoning Ordinance shall be met through the preservation of existing trees. The assessment of vegetation quality and tree preservation potential on a site shall be determined by the Urban Forestry Division and shall be based on Section 12-0400 of the Public Facilities Manual. In addition, a tree preservation plan shall be submitted by the applicant that includes the location, crown spread, species, size and condition rating of individual trees and groups of trees proposed to be preserved. Specific tree preservation activities that will occur to maximize survivability of trees identified to be preserved shall be included in the plan and shall be subject to approval by the Urban Forestry Division. In addition, proposed landscaping shall be subject to review and

approval by the Urban Forestry Division to ensure that any proposed landscape plants are consistent with Section 12-0500 of the Public Facilities Manual.

(d) All portions of any building lot shall be located outside of any Resource Protection Area or any floodplain and its adjacent slopes of fifteen (15) percent or greater, except for driveway access when it is determined by the Director that there is no other option available to provide driveway access for the lot. In such instance, only that portion of the lot necessary to provide the driveway for such lot shall be permitted within the Resource Protection Area or floodplain and its adjacent steep slopes of fifteen (15) percent or greater and such portion shall be the minimum area necessary to accommodate a driveway.

(e) Utility lines within a cluster subdivision shall be designed to avoid encroachment into any Resource Protection Area or floodplain and its adjacent steep slopes of fifteen (15) percent or greater, except when it is determined by the Director that the extension of or connection to existing utility lines requires encroachment into such areas and those connections or extensions are provided in a manner that minimizes disturbance to the Resource Protection Area or floodplain and its adjacent slopes of fifteen (15) percent or greater.

(f) Waiver of any of the provisions of this Section shall not be permitted.

(g) Minor adjustments of property lines between lots located within a cluster subdivision and/or between lots located within the boundary of a cluster subdivision and contiguous lots located outside of the cluster subdivision may be permitted by the Director pursuant to Section 101-2-1(3) subject to the following:

(1) Such subdivision shall only be to consolidate land area of contiguous lots, or to rearrange lots in order to reallocate land area between contiguous lots; and

(2) There shall be no change in the amount of land area located within the cluster subdivision; and

(3) The total number of lots within the cluster subdivision shall not be increased; and

(4) The total amount of open space within the cluster subdivision shall not be reduced; and

(5) Such subdivision shall be in conformance with all other provisions of this Section.

These amendments shall become effective at 12:01 a.m., July 1, 2004.

GIVEN under my hand this 7th day of June, 2004.

NANCY VEHRs
Clerk to the Board of Supervisors